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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/816,788  | 04/02/2004  | Uwe Ladra            | LADRA               | 9968             |
| 20151   | 7590        | 08/03/2006           | EXAMINER            |                  |
| HENRY M FEIEREISEN, LLC<br>350 FIFTH AVENUE<br>SUITE 4714<br>NEW YORK, NY 10118 |             |                      | RO, BENTSU          |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2837                |                  |

DATE MAILED: 08/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/816,788

Applicant(s)

LADRA ET AL.

Examiner

Bentsu Ro

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-8 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4/2/04&7/30/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

**FIRST OFFICE ACTION**

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4 and 6-8 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Hamann et al US Patent No. 6,825,633.

See the following chart for comparing the claimed subject matter and Hamann et al teaching.

| The claims: | Hamann et al teaching:   |
|-------------|--|
| 1.          | see column 1, lines 16-21; column 2, lines 27-39; and claim 1. |
| 2 and 3.    | see claims 2 and 3.  |
| 4.          | see claims 6 and 7.  |
| 6.          | see claim 8.   |
| 7.          | see column 2, lines 32-39 and 63-67.                           |

|    |                        |
|----|------------------------|
| 8. | see column 1, line 19. |
|----|------------------------|

Most importantly, applicant should compare Fig. 2 of this instant application with Fig. 2 of Hamann et al teaching.

With respect to claim 1, the examiner has noted that claim 1 is claiming "bandpass filters" whereas Hamann et al teach "bandstop filters", see Hamann et al column 6, line 54.

The bandpass filters and the bandstop filters are basically same because in the bandpass filter, some frequencies can pass through the filter while other frequencies cannot pass through the filter. Similarly, in the bandstop filter, some frequency can pass through the filter while other frequencies are stopped from passing through the filter (i.e. cannot pass). They are same.

For example, one can design a bandpass filter to filter out the frequency 100 KHz and beyond but the frequency from zero to 100 KHz can pass through, namely, 0-100 KHz bandpass filter. One can also design a bandstop filter to stop all frequency 100 KHz and beyond but the frequency from zero to 100 KHz can pass through, namely, 100 KHz and beyond bandstop filter. This bandpass filter and this bandstop filter are at least functionality identical.

3. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5. Any inquiry concerning this communication should be directed to Bentsu Ro at telephone number 571 272-2072.

7/31/2006

  
Bentsu Ro  
Senior Examiner  
Art Unit 2837